

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHRISTOPHER JARVIS,	)	
	)	
Plaintiff/Counter-Defendant,	)	
	)	
v.	)	CASE NO. 2:17-cv-396-ECM-GMB
	)	[WO]
TAYLORCHANDLER, LLC, <i>et al.</i> ,	)	
	)	
Defendants/Counter-Plaintiffs.	)	

**ORDER**

Based upon the representations made during the telephone hearing held on December 18, 2018, and for the reasons stated on the record, the plaintiff's Motion to Compel Discovery (Doc. 38) is GRANTED in part and DENIED in part, as follows:

1. The defendants are ORDERED to provide a supplemental production in response to Requests for Production 12, 13, 19, 20, and 62 no later than **January 17, 2019**. Specifically, the defendants may elect either to (a) generate a revenue report for all Jade Risk or Arsenal clients originated from July 1, 2016 through December 31, 2017 reflecting all invoices for and payments by these clients whether or not credited to plaintiff under the earn-out provisions of the Membership Interest Purchase Agreement; or (2) produce all Quickbooks or other electronic bookkeeping files, income statements, and bank statements reflecting invoices for and payments by Jade Risk or Arsenal clients originated from July 1, 2016 through December 31, 2017 whether or not credited to plaintiff under the earn-out provisions of the Membership Interest Purchase Agreement. This supplemental production shall be subject to the existing Protective Order (Doc. 44) if so designated. At this time

and on the present showing, the court finds that Requests for Production 12, 13, 19, 20, and 62 otherwise seek the production of information that is disproportional to the needs of the case. Fed. R. Civ. P. 26(b)(1).

2. The defendants are ORDERED to produce all native-format files responsive to the plaintiff's Requests for Production no later than **January 17, 2019**. This production shall be made regardless of whether the files are currently password-protected or encrypted, and the defendants are permitted to withhold from production on privilege grounds any documents for which they have reason to believe a privilege attaches (specifically including those in which a keyword search reflects the involvement of Davis H. Smith, Esq.). If the plaintiff decrypts any of the native-format files produced to him, he is ORDERED to produce a decrypted version of the files to the defendants within seven days, and the defendants shall not be deemed to have waived any privilege against the disclosure of these documents if that privilege is asserted in writing within seven days of receipt.

3. The defendants are ORDERED to amend their responses to Requests for Production 14, 21, 22, 24, 25, 42, 45, 47, 59, and 60 no later than **January 17, 2019**. Specifically, the amended responses shall unequivocally state whether all responsive documents in the defendants' custody or control have been produced.

4. The motion to compel is otherwise DENIED as moot.

DONE this 18th day of December, 2018.



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GRAY M. BORDEN  
UNITED STATES MAGISTRATE JUDGE